

**STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

LOUIS HUZELLA, DVM
LICENSE NO. 7970

DOCKET NO. 22-97

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 21st day of Apr. 1 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Louis Huzella, DVM ("Dr. Huzella"), License No. 7970. This Consent Agreement resolves a case arising from a complaint filed on April 15, 2022, with the SBVME, assigned Docket No. 22-97, alleging that Dr. Huzella did not satisfy the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17, as set forth herein.

On April 11, 2023, Dr. Huzella, having been advised in writing regarding his due process rights and while represented by legal counsel, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. Before reaching this agreement, a resolution conference was conducted on March 23, 2023, at which Dr. Huzella appeared with his legal counsel, Joseph W. Damiano, Esquire. By signing this Consent Agreement, Dr. Huzella agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing. He further agrees to the terms and conditions of this Consent Agreement.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with not satisfying the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to this law. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with

Board rules and regulations after receiving a license." Md. Code Ann., Agric. § 2-310(8). The Board may also impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second or subsequent offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

By entering into and signing this Consent Agreement after having had the opportunity to seek the advice of legal counsel, Louis Huzella, DVM, License Number 7970, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find as fact, and to conclude as a matter of law that Dr. Huzella did not satisfy COMAR 15.14.01.07 (Professional Judgment and Practice) as described below:

1. Dr. Huzella is a veterinarian licensed to practice in Maryland, where he has been licensed since 2018. At the time of the events described herein, Dr. Huzella was working as a veterinarian at Banfield Pet Hospital #0457 ("BPH" or "Hospital") (License No. 21-019), located at 17740 Garland Groh Boulevard, Hagerstown, MD 21740. Dr. Huzella has no prior formal disciplinary actions.
2. This case involves care and treatment provided to Rosa, a 2-year-old spayed domestic shorthaired cat owned by Latoshia Reeves ("Ms. Reeves" or "Owner").
3. On April 9, 2022, Ms. Reeves took Rosa to Banfield Pet Hospital #0457 ("BPH") (License No. 21-019) for coughing. Dr. Huzella became Rosa's attending veterinarian.
4. Dr. Huzella performed a physical exam on Rosa and noted that she had a 4/9 body score, jaundiced skin, and green ocular discharge. Dr. Huzella recommended complete bloodwork and a FeLV/FIV snap test. Ms. Reeves consented.
5. Rosa's bloodwork showed anemia with a low hematocrit of 17.3%, thrombocytopenia at 48,000, lymphopenia at 0.48, hyperbilirubinemia at 5.4 mg/dl, increased Alkaline phosphatase at 243, hyperglobulinemia at 8.3, hyperproteinemia at 10.3, and hypokalemia at 3.4.

6. Dr. Huzella diagnosed Rosa with anemia and jaundice. Dr. Huzella considered several possible causes and had at the top of his rule-outs, feline hemotropic mycoplasmosis or hemobartonellosis, a condition in which a microscopic blood bacterial parasite infects the cat's red blood cells. To address this infection, Dr. Huzella prescribed doxycycline to Rosa for three weeks and recommended that Ms. Reeves apply topical flea prevention instead of a flea collar. Dr. Huzella indicated in the medical record that Rosa's prognosis was guarded. As reflected in the medical record, Dr. Huzella told Ms. Reeves to bring Rosa back to BPH in three weeks for a follow-up. Rosa was then discharged from BPH.

7. Once home, Ms. Reeves observed that Rosa was sleeping more than usual. Three days after being discharged from Dr. Huzella's care, Rosa passed away.

8. On April 15, 2022, Ms. Reeves filed a complaint with the SBVME against Dr. Huzella. Ms. Reeves alleged that the doxycycline prescribed by Dr. Huzella caused her to die three days after administration of the first dose.

9. The Board opened a case and conducted an investigation, which included obtaining responses from Dr. Huzella through his legal counsel. In his responses, Dr. Huzella denied that his treatment of Rosa on April 9, 2022, was substandard. He noted that during Rosa's appointment, he spent approximately forty-five minutes with Ms. Reeves, explaining Rosa's diagnosis, treatment recommendations, and the seriousness of Rosa's health status. Dr. Huzella contends that he advised Ms. Reeves that Rosa's condition was serious and that her prognosis was guarded. Dr. Huzella states that he told Ms. Reeves that hospitalization at a local emergency critical care facility was strongly advised. Hospitalization and/or transfusion at this Banfield location was not an option for Rosa, as this particular Banfield location did not offer these options. Dr. Huzella stated that after her appointment on April 9, 2022, Ms. Reeves never called BPH with any concerns about Rosa.

10. While Dr. Huzella has stated that he strongly advised that Rosa be transferred to a local emergency critical care facility, this recommendation is not reflected in the medical record.

11. After considering the evidence gathered during the investigation, the Board concluded that Dr. Huzella provided substandard care to Rosa. However, the Board found that the prescription for doxycycline was unlikely to have played a role in Rosa's death.

12. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State."

13. Dr. Huzella did not satisfy the applicable standard in his care and treatment of Rosa by not emphasizing to Ms. Reeves the severe nature of Rosa's illness and not offering additional treatment and diagnostics to address and treat Rosa's anemia and liver disease, which required advanced care to manage. Rosa's bloodwork showed a low hematocrit indicating significant anemia. Rosa also showed obvious signs of liver disease with an increased ALP and increased bilirubin, in addition to her jaundiced skin on physical exam. The anemia and liver disease warranted urgent attention, including additional diagnostics such as x-rays, ultrasound, or other lab work to narrow the list of differentials for a more precise diagnosis. Additional treatments were also warranted, including supportive medications (fluids, anti-nausea medications, and appetite stimulants, which could have been provided at BPH), a transfusion, or the possible addition of prednisone to the doxycycline. Given his suspicion of a parasitic infection, Dr. Huzella should have additionally offered to send Rosa's blood to a reference laboratory to confirm or rule out a parasitic infection.

14. While a transfusion could not be provided at BPH, Dr. Huzella should have offered supportive medications referenced above and ascertained that Ms. Reeves understood the urgent need for and benefits of emergency care to further diagnose and treat Rosa's serious anemia and liver disease. Dr. Huzella's diagnosis of a parasitic infection and his prescription of antibiotics may have contributed to Ms. Reeves' lack of understanding of the severity of Rosa's anemia and liver disease, making it less likely that she would seek the necessary care promptly.

Taking the facts and circumstances into consideration, including the nature of the violation(s); the veterinarian's lack of disciplinary history; and his acceptance of responsibility and good faith cooperation

in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of April, 2023, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For not satisfying COMAR 15.14.01.07 (Professional Judgment and Practice) in the care and treatment provided to Rosa, a 2-year-old spayed domestic shorthaired cat owned by Latoshia Reeves, by not treating anemia and liver disease, and not ensuring that Rosa's owner understood that Rosa was very sick and in need of emergency care and/or additional diagnostics, Dr. Huzella is assessed a civil penalty of \$600;
- (b) Dr. Huzella shall pay the \$600 civil penalty within sixty (60) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME - 22-97" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 - Attn: Nathaniel Boan;
- (c) As an additional requirement of this Consent Agreement, Dr. Huzella shall complete six (6) hours of continuing education ("CE"), pre-approved by the Board, in lab work interpretation and/or treatment of liver disease or anemia. Dr. Huzella must submit the CE proposed to satisfy this agreement to the Board in advance to obtain approval before completion. Approval requests shall be emailed to Nathaniel Boan, Executive Director, at Nathaniel.boan@maryland.gov. The request should include a link to the CE, detailed information about the course content, or a syllabus;
- (d) The CE shall be completed, and verification of completion provided to the Board within ninety (90) days from the date of this Order, with verification sent by email to Nathaniel Boan, Executive Director, at nathaniel.boan@maryland.gov. Proof from the CE provider shall include the veterinarian's name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE will not count

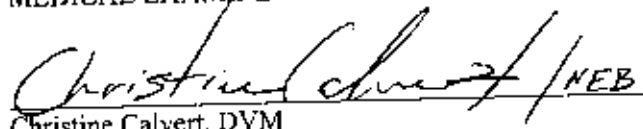
toward the 18 credit hours required annually for re-registration of the veterinary license. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian's CE records for relevant years; and

(c) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this

21st day of April, 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

/NEB

Christine Calvert, DVM

Member

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Louis Huzella, DVM, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of seven (7) pages, including this Consent, I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 21 Apr 2023


Louis Huzella, DVM